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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,879	09/27/2000	Jen-Kai Chen	SUND 152	4534
23995	7590	12/14/2004		EXAMINER
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			HOM, SHICK C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/669,879 <i>✓</i>	CHEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Shick C Hom	2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 July 2004 and 20 September 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 13 and 20 is/are allowed.
- 6) Claim(s) 12 is/are rejected.
- 7) Claim(s) 1-11, 14-19, 21-23 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/20/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claim 12 have been considered but are moot in view of the new ground(s) of rejection.

***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

3. Claims 1-11, 14-19, 21-23 are objected to because of the following informalities: In claim 1 lines 4, 6, claim 5 lines 4-5, 6, claim 19 line 2 replace parentheses with comma because limitations within parentheses is not considered as claimed limitation. In claims 2-11, 14-19 line 1 delete "A method" and insert ---The method--- because they're reciting the method of claims 1 and 13, respectively. Likewise, in claims 21-23 line 1 delete "An apparatus" and insert ---The apparatus---. In claim 2 line 2 delete "a unicast packet" and insert ---unicast packet-

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--- In claims 14, 15 lines 4-5 delete "a multicast packet" and insert ---one multicast packet--- for clarity. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Sun et al. (6,574,194).

Regarding claim 12:

Sun et al. disclose the output queuing method for forwarding packets in a switch network, the switch network containing a plurality of port, each port corresponding to a port output queue, a global output queue shared by all port output queues, the packets being of the type of unicast or multicast, the output queuing method comprising: detecting the type of a receiving packet; if the type of the receiving packet

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is unicast, allocating the receiving packet into the port output queue (see col. 5 lines 31-41 which recite the two kinds of packets being unicast and multicast packets whereby unicast packets are enqueue into an output queue for the corresponding output port); if the type of the receiving packet is multicast, allocating the receiving packet into the global output queue (see col. 5 lines 42-60 which recite the multicast queue linked list being maintained for multicast packets which clearly corresponds to the global output queue now claimed); and determining to dequeue or skip the receiving packet in the global output queue according to the type of the receiving packet (see col. 9 line 50 to col. 10 line 2 which recite the step of updating the multicast queue list including the dequeuing process when the multicast packet have been determined to be successfully delivered; further Fig. 3A shows that the unicast and multicast packets being stored in SSRAM clearly reads on the global output queue being shared by all port output queues).

***Allowable Subject Matter***

6. Claims 1-11, 14-19, and 21-23 would be allowable if rewritten or amended to overcome the objection(s), set forth in this Office action.

7. Claims 13 and 20 are allowed.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Singh et al. disclose a nonblocking and fair queuing switching method and shared memory packet switch.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH



DANIEL J.  
SCHUHMACHER